**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR**

**ORDER**

**Khuma vs. Additional Collector (Administration), Chittorgarh & Anr.**

**(S.B.CIVIL WRIT PETITION NO.1293/06)**

Dated:- 13.11.2007.

**HON'BLE MR.JUSTICE SANGEET LODHA**

Mr.B.N.Kalla ,for the petitioner.
Mr. B.L.Tiwari,Dy.Government Advocate.

This writ petition is directed against order dated 2.12.05 passed by Additional Collector(Administration), Chittorgarh, whereby a revision petition preferred by the petitioner u/s 97 of Rajasthan Panchayati Raj Act, 1994( in short "the Act of 1994"hereinafter), assailing the validity of Patta dated 19.11.01 issued by the Gram Panchayat, Semaliya in the name of "Ganga Mata Ki Pathwariya" for public purpose, has been rejected.

The petitioner was allotted a residential plot measuring 35'x40' by Gram Panchayat, Semaliya and accordingly, a Patta dated 9.9.93 was issued in his favour. It is stated that after allotment, the possession of the plot was handed over to the petitioner and he has already constructed a house over the same. However, ignoring the aforesaid Patta and his actual possession over the land, the Gram Panchayat proceeded to issue a Patta dated 19.11.2001 in favour of "Ganga Mata Ki

Pathwariya" .

The validity of the said Patta dated 19.11.01 was assailed by the petitioner by way of a revision petition u/s 97 of the Act of 1994 before the Additional Collector(Administration), Chittorgarh .

The revisional authority after hearing parties to the proceedings and perusal of the record arrived at the finding that the allegation of the petitioner that no land measuring 30'x 60' was not available for allotment is factually incorrect. As a matter of fact, the petitioner was encroached upon the panchayat land and his encroachment was removed by the Gram Panchayat. The revisional authority found that the land which has been allotted to the "Ganga Mata Ki Pathwariya" is a land different from the land allotted to the petitioner, which is covered by Patta dated 9.9.93. Accordingly, the revisional authority declined to interfere with the Patta issued for the public purpose.

A perusal of the order impugned and reply to the writ petition reveals that the land which has been allotted to "Ganga Mata Ki Pathwariya" is the land beyond the area of the land allotted to the petitioner. If the petitioner has encroached upon the land belonging to the Panchayat and if his encroachment has been removed and the said land has been allotted to anybody else then, the petitioner cannot raise any grievance. Even, the petitioner is not claiming his right over the land beyond the area

of land alloted to him covered by the said Patta. Since, the title and possession of the land allotted to the petitioner, is not disturbed in any manner on account of the allotment of the land in question, therefore, the revisional authority has rightly declined to interfere with the allotment of land made for the public purpose in favour of "Ganga Mata Ki Pathwariya".

I do not find any infirmity or illegality in the order impugned passed by the revisional authority.

Accordingly, the writ petition is dismissed with no order as to costs.

**(SANGEET LODHA),J.**